

LAW OFFICES
LEVENTHAL, SENTER & LERMAN
SUITE 600
2000 K STREET, N.W.
WASHINGTON, D.C. 20006-1809

ORIGINAL

RECEIVED

APR - 5 1996

TELEPHONE
(202) 429-8970

TELECOPIER
(202) 293-7783

SENIOR COMMUNICATIONS
CONSULTANT
MORTON I. HAMBURG

April 5, 1996

NORMAN P. LEVENTHAL
MEREDITH S. SENTER, JR.
STEVEN ALMAN LERMAN
RAUL R. RODRIGUEZ
DENNIS P. CORBETT
BRIAN M. MADDEN
BARBARA K. GARDNER
STEPHEN D. BARUCH
SALLY A. BUCKMAN
NANCY L. WOLF
DAVID S. KEIR
DEBORAH R. COLEMAN
BERNARD A. SOLNIK
NANCY A. ORY
WALTER P. JACOB
LINDA D. FELDMANN
RENÉE L. ROLAND
JOHN D. POUTASSE*

*ADMITTED MD ONLY

DOCKET FILE COPY ORIGINAL

BY HAND DELIVERY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
Room 222
1919 M Street, N.W.
Washington, D.C. 20554

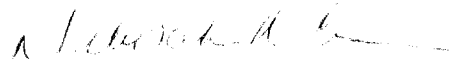
Re: MM Docket No. 96-13
RM-8740
Comments of Great Scott Broadcasting

Dear Mr. Caton:

On behalf of Great Scott Broadcasting, licensee of FM broadcast Station WZBH, Georgetown, Delaware, I am transmitting herewith an original and four copies of the licensee's comments on the Notice of Proposed Rule Making in the above-referenced proceeding.

Should there be any questions concerning this matter, please contact the undersigned.

Respectfully submitted,



Deborah R. Coleman

Enclosure

4

ORIGINAL

BEFORE THE
Federal Communications Commission
WASHINGTON, D.C. 20554

APR - 5 1996

In the Matter of)
)
Amendment of Section 73.202(b)) RM-8740
Table of Allotments,)
FM Broadcast Stations.)
(Georgetown and Millsboro,)
Delaware))

To: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

COMMENTS OF GREAT SCOTT BROADCASTING

Great Scott Broadcasting ("Great Scott"), licensee of FM broadcast Station WZBH, Georgetown, Delaware, by its attorneys and pursuant to Section 1.415 of the Commission's rules, hereby comments on the Notice of Proposed Rule Making in the above-captioned proceeding (the "NPRM"), which was released on February 13, 1996. Great Scott filed the Petition for Rule Making (the "Petition") that initiated this proceeding and continues to strongly support the proposal to amend Section 73.202(b), the FM Table of Allotments, to substitute Channel 228B for Channel 228B1 and reallocate Channel 228B to Millsboro, Delaware as its first local transmission service.

As the Petition demonstrated, Channel 228B may be allotted to Millsboro, Delaware consistent with all pertinent Commission requirements.^{1/} Great Scott further demonstrated in the Petition that the proposed allotment would serve the public interest and result in a preferential arrangement of allotments in accordance with the Commission's policies regarding changes in community of license. See Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870 (1989), recon. granted in part, 5 FCC Rcd 7094 (1990). Because the allotment would give the community of Millsboro its first local transmission service, it qualifies for an allotment priority. See Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1982). Furthermore, the allotment would not deprive Georgetown of local service. Finally, because Millsboro is not located within an urbanized area, the reallocation would not involve the transfer of the station from a rural to an urban area.

In the NPRM, the Commission requested that Great Scott provide data regarding the areas and populations that will gain

^{1/} The reference coordinates specified by Great Scott are as follows: 38° 18' 53" North Latitude, 75° 13' 50" West Longitude.

and lose existing service if Channel 228B is reallocated to Millsboro, including the number of reception services available within such areas. In response to this request, Great Scott submits the attached supplemental engineering report (the "Supplemental Engineering") regarding the gain and loss areas that would result from the proposed allotment.

According to the Supplemental Engineering, the gain area that would be created by the allotment encompasses 1,451 square kilometers and has a population of 36,180. The resulting loss area, on the other hand, consists of 838 square kilometers with a population of 16,860. The proposed allotment, therefore, would create a net area gain of 838 square kilometers and a net population gain of 19,320.

The Supplemental Engineering also demonstrates that the loss area associated with the proposed allotment is well served, with a minimum of six and a maximum of ten full-time aural services. See NPRM at footnote 2. The gain area, however, has a minimum of four and a maximum of twelve full-time aural services. Portions of the gain area, therefore, are considered to be underserved. Id. The data provided in the Supplemental Engineering, therefore, reinforces the showing made by Great

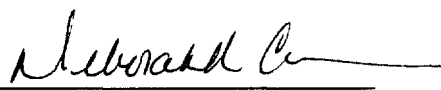
Scott in the Petition that the proposed allotment would serve the public interest.

Great Scott hereby affirms that it intends to file an application specifying the operation of Station WZBH as a Class B facility at Millsboro, Delaware, if the proposed allotment is made and, if authorized, intends to build the station promptly.

For the foregoing reasons, Great Scott respectfully urges the Commission to adopt a Report and Order amending Section 73.202(b) of its rules to substitute Channel 228B for Channel 228B1 and realLOT Channel 228B to Millsboro, Delaware.

Respectfully submitted,

GREAT SCOTT BROADCASTING

By: 

Dennis P. Corbett
Deborah R. Coleman

Leventhal, Senter & Lerman
2000 K Street, N.W.
Suite 600
Washington, DC 20006-1809
(202) 429-8970

April 5, 1995

Its Attorneys

**SUPPLEMENTAL ENGINEERING DATA
RE REPORT AND ORDER IN
MM DOCKET 96-13 TO
ALLOT FM CHANNEL 228B TO
MILLSBORO, DELAWARE**

APRIL 1996

**COHEN, DIPPELL AND EVERIST, P.C.
CONSULTING ENGINEERS
RADIO AND TELEVISION
WASHINGTON, D.C.**

COHEN, DIPPELL AND EVERIST, P. C.

City of Washington)
) ss
District of Columbia)

Sudhir K. Khanna, being duly sworn upon his oath, deposes and states:

That he is a graduate electrical engineer, a registered professional engineer in the District of Columbia, and is Secretary-Treasurer of Cohen, Dippell and Everist, P.C., Consulting Engineers, Radio-Television, with offices at 1300 L Street, N.W., Suite 1100, Washington, D.C. 20005;

That his qualifications are a matter of record in the Federal Communications Commission;

That the attached engineering report was prepared by him or under his supervision and direction; and

That the facts stated herein are true of his own knowledge, except such facts as are stated to be on information and belief, and as to such facts, he believes them to be true.



Sudhir K. Khanna
District of Columbia
Professional Engineer
Registration No. 8057

Subscribed and sworn to before me this 3rd day of April, 1996.


Notary Public

My Commission Expires:

2/28/98

This supplemental engineering report has been prepared on behalf of Great Scott Broadcasting, licensee of FM Broadcast Station WZBH, Georgetown, Delaware, to provide the technical data requested in MM Docket No. 96-13 to allot FM Channel 228B to Millsboro, Delaware. This engineering report also includes results of population comparison studies and other aural full-time services available to the gain and loss areas associated with the allotment of FM Channel 228B to Millsboro and deletion of Channel 228B1 at Georgetown, Delaware.

In October 1995, Great Scott Broadcasting filed a petition for rule making in MM Docket No. 96-13 to amend Section 73.202 of the Commission's Rules, Table of Allotments, to allot Channel 228B (93.5 MHZ) to Millsboro, Delaware, and delete Channel 228B1 at Georgetown, Delaware. Great Scott Broadcasting also requested the Commission to reserve the upgraded FM channel for station WZBH.

It was demonstrated in the rule-making petition that FM Channel 228B could be allotted to Millsboro, Delaware, in accordance with the Commission's minimum distance separation rules (Section 73.207) and without the deletion or substitution of any other existing assignment or allotment. A fully-spaced antenna site (reference site) was selected which met the minimum distance requirements. The NAD-27 geographic coordinates of the reference site are as follows:

North Latitude: 38° 18' 53"

West Longitude: 75° 13' 50"

It was shown in the engineering report filed with the rule-making petition that the proposed allotment of Channel 228B at Millsboro, Delaware would provide service to a larger population than currently provided by Channel 228B1 at Georgetown, Delaware. The Commission has requested additional data concerning areas and population which would lose and gain service if Channel 228B is allotted to Millsboro, Delaware. The additional data is to include a determination with regard to the number of other full-time aural services available within the loss and gain areas.

The attached Table I shows the area and population within the gain and loss areas with respect to 1.0 mV/m contours of the proposed Channel 228B at Millsboro and the present Channel 228B1 operation at Georgetown, Delaware. Table I indicates the gain area would have a population of 36,180 people and 1,451 square kilometers area versus loss area population of 16,860 people and 613 square kilometers area. Therefore, the proposed Channel 228B operation would serve 19,320 more people and 838 square kilometers more area than the loss area.

The attached Exhibits E-1 and E-2 show full-time (commercial) services in relation to the gain and loss areas. The aural service (1.0 mV/m) contours for the current and proposed operations were computed according to Section 73.313 of the Commission's Rules and are based on the terrain data for eight radials. The terrain information was obtained from the National Geophysical Data Center (NGDC) 30-second data base. All commercial FM stations were assumed to be operating with maximum facilities for their class of stations.

The AM stations contours are based on the interference-free nighttime service provided by the stations and were computed according to Section 73.186 of the Commission's Rules using FCC Figure M-3 estimated ground conductivities.

The attached Table II and Table III list the FM and AM stations whose contours are shown on Exhibits E-1 and E-2.

Exhibit E-1 indicates there would be a minimum of four (4)¹ and a maximum of twelve (12) full-time aural services within the gain area of Channel 228B operation over the current Channel 228B1 operation. The population and area within the four service area is estimated to be 75 people and 3 square kilometers, respectively. The loss area associated with the change in allotment would be considered well served since a minimum of six (6) and maximum of ten (10) full-time aural services is currently provided to the area. Therefore, the proposed allotment of Channel 228B to Millsboro, Delaware would provide service to under served areas.

The comparative study of population within the gain and loss areas is based on the 1990 census of the United States. The 1990 census population information is available within census blocks located in a county. The census blocks are the smallest subdivision containing the population figures. Each census block has a centroid with particular geographic coordinates. Counting of population within an

¹ There is an uninhabited area in the Assateague State Park which receives a minimum of three (3) full-time aural services within the gain area, but was considered irrelevant to the scope of the FCC's rule making inquiry.

area, based on census blocks, provides a more accurate estimate of population than assuming uniform distribution of population within a county.

TABLE I
TABULATION OF POPULATION AND AREA
WITHIN THE 1.0 MV/M CONTOUR OF GAIN AND LOSS AREAS FOR
THE PRESENT CHANNEL 228B1 AND
PROPOSED CHANNEL 228B OPERATIONS
APRIL 1996

Gain Area

<u>Contour</u>	<u>Population 1990 Census</u>	<u>Area km²</u>
1 mV/m	36,180	1,451

Loss Area

1 mV/m	16,860	613
--------	--------	-----

COHEN, DIPPELL AND EVERIST, P. C.

TABLE II
TABULATION OF
OTHER FULL-TIME FM SERVICES
SHOWN ON EXHIBITS E-1 AND E-2
WITHIN THE GAIN AND LOSS AREAS OF
CHANNEL 228B1 GEORGETOWN AND
THE PROPOSED CHANNEL 228B, MILLSBORO OPERATIONS
APRIL 1996

<u>Station Number</u>	<u>Channel</u>	<u>Call</u>	<u>City/State</u>
1	221A	WLBW	Fenwick Island, DE
2	224A	WGMD	Rehoboth Beach, DE
3	232A	WICO-FM	Salisbury, MD
4	234B	WDSD	Dover, DE
5	237A	WDNO	Laurel, MD
6	240A	WOSC	Bethany Beach, DE
7	244B1	WCEI-FM	Easton, MD
8	246A	WLFX	Ocean Pines, MD
9	249A	WAFL	Milford, DE
10	252A	WSUX	Seaford, DE
11	255A	WSBY-FM	Salisbury, MD
12	257B1	WVES	Accomac, VA
13	260B	WWFG	Ocean City, MD
14	264B	WZXL	Wildwood, NJ
15	265A	WAAI	Hurlock, MD
16	267A	WXPZ	Milford, DE
17	269A	WRKE	Ocean View, DE
18	272A	WSJL	Cape May, NJ
19	273B	WOLC	Princess Anne, MD
20	277B	WESR-FM	Onley-Onancock, VA
21	280A	WOCQ	Berlin, MD

COHEN, DIPPELL AND EVERIST, P. C.

TABLE II
TABULATION OF
OTHER FULL-TIME FM SERVICES
SHOWN ON EXHIBITS E-1 AND E-2
WITHIN THE GAIN AND LOSS AREAS OF
CHANNEL 228B1 GEORGETOWN AND
THE PROPOSED CHANNEL 228B, MILLSBORO OPERATIONS
APRIL 1996
(continued)

<u>Station Number</u>	<u>Channel</u>	<u>Call</u>	<u>City/State</u>
22	284B	WQHQ	Ocean City-Salisbury, MD
23	288A	WLVW	Salisbury, MD
24	290A	WXJN	Lewes, DE
25	293A	WKHI	Pocomoke City, MD
26	294A	WJNN	North Cape May, NJ
27	296A	WTDK	Federalsburg, MD
28	298B	WKRE-FM	Exmore, VA

COHEN, DIPPELL AND EVERIST, P. C.

TABLE III
OTHER FULL-TIME AM SERVICES
SHOWN ON EXHIBITS E-1 AND E-2
WITHIN THE GAIN AND LOSS AREA OF
CHANNEL 228B1, GEORGETOWN AND
THE PROPOSED CHANNEL 228B, MILLSBORO OPERATIONS
APRIL 1996

<u>Station Number</u>	<u>Frequency kHz</u>	<u>Status</u>	<u>Call</u>	<u>City/ State</u>	<u>Power kW</u>	<u>Mode of Operation</u>
29	540	Lic.	WDMV	Pocomoke City, MD	0.243/0.5	ND-U
30	900	Lic.	WSSR	Georgetown, DE	1/10	DA-2
31	960	Lic.	WTGM	Salisbury, MD	5	DA-2
32	1060	Lic.	KYW	Philadelphia, PA	50	DA-N
33	1090	Lic.	WBAL	Baltimore, M D	50	DA-2
34	1210	Lic.	WGMP	Philadelphia, PA	50	ND-U
35	1280	Lic.	WJPY	Seaford, DE	0.21/0.84	ND-U
36	1500	Lic.	WTOP	Washington, DC	50	DA-2
37	1590	Lic.	WETT	Ocean City, MD	0.5/1	DA-2

MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U.S. GEOLOGICAL SURVEY

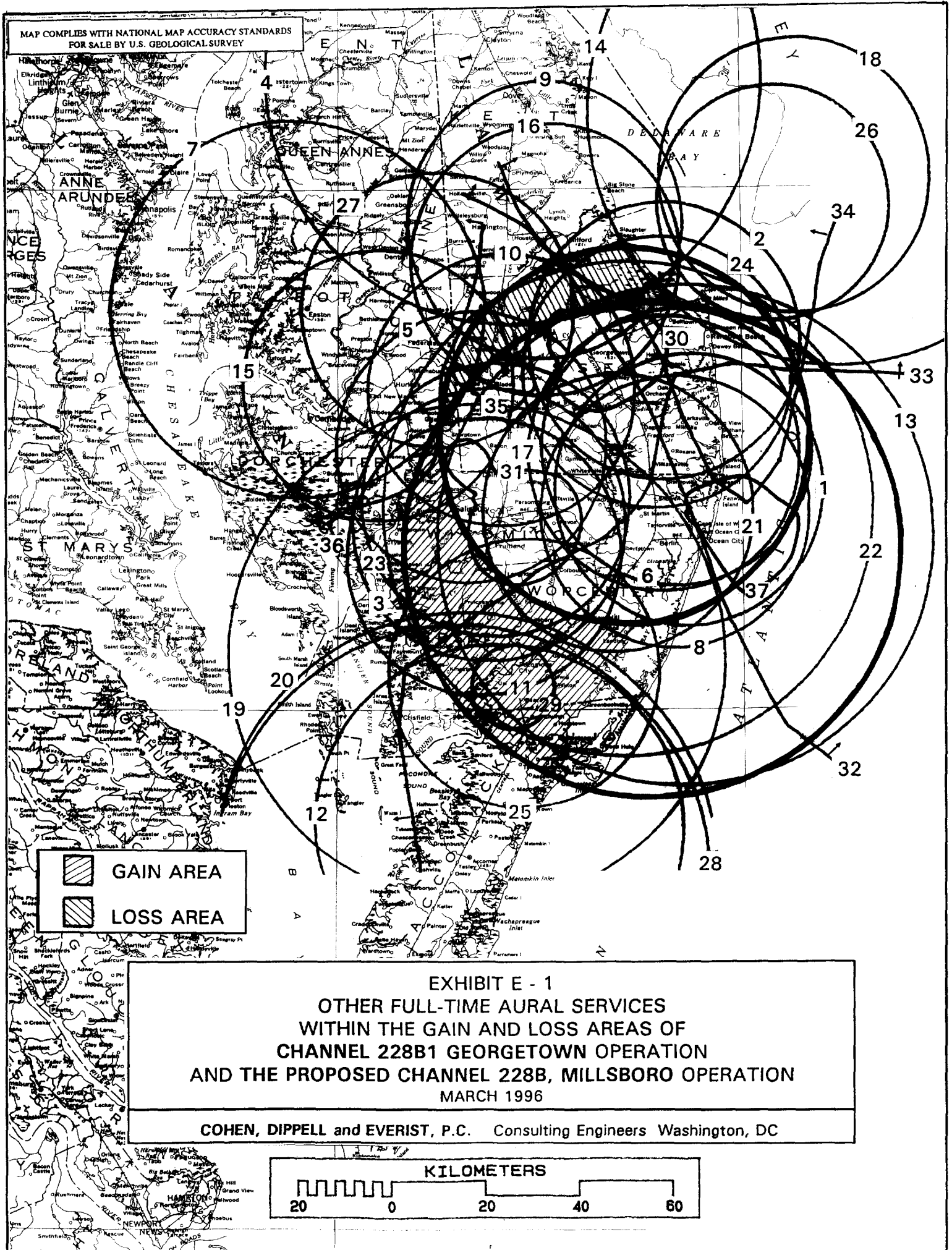


EXHIBIT E - 1
OTHER FULL-TIME AURAL SERVICES
WITHIN THE GAIN AND LOSS AREAS OF
CHANNEL 228B1 GEORGETOWN OPERATION
AND THE PROPOSED CHANNEL 228B, MILLSBORO OPERATION
MARCH 1996

COHEN, DIPPELL and EVERIST, P.C. Consulting Engineers Washington, DC



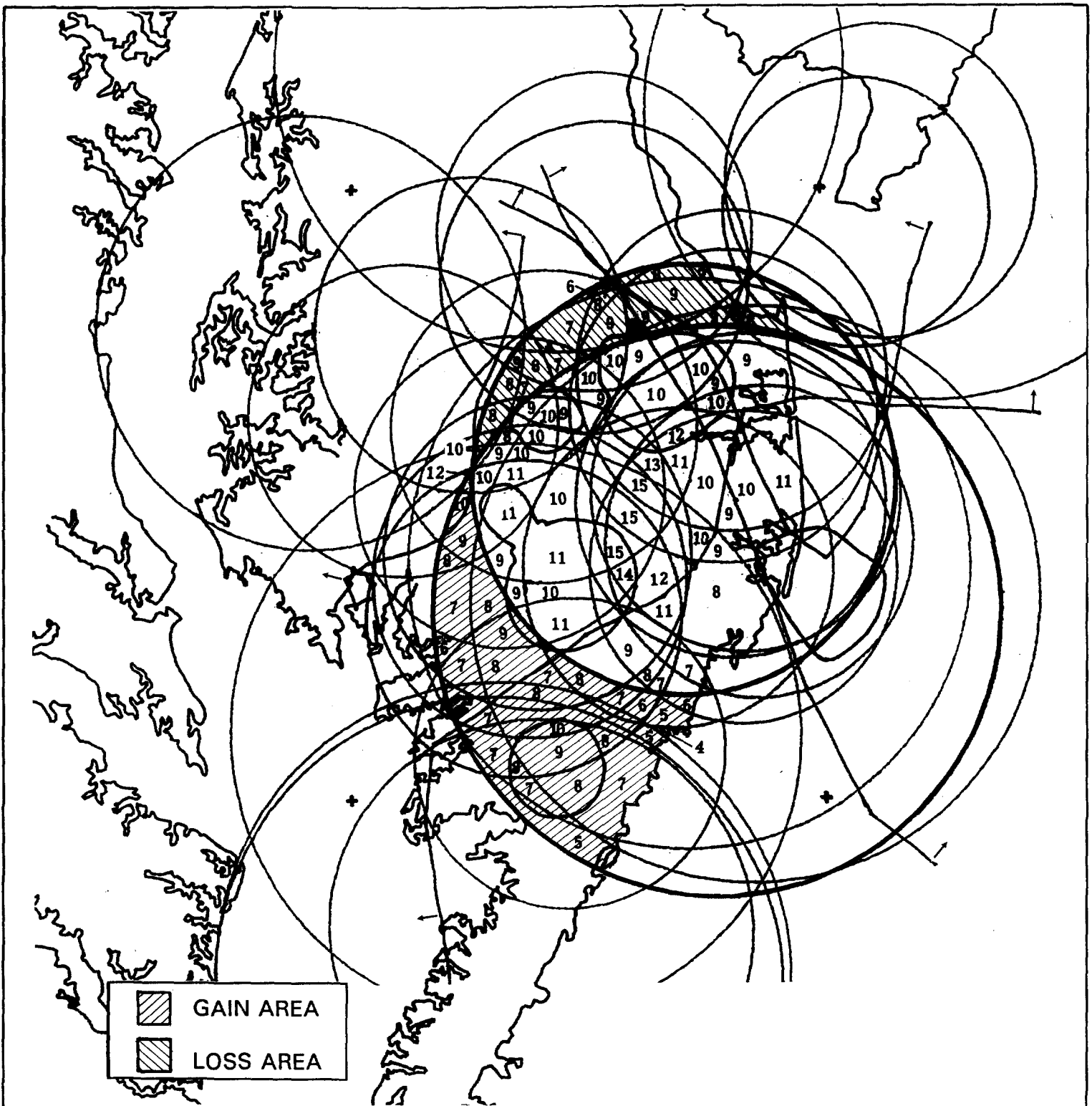


EXHIBIT E - 2
OTHER FULL-TIME AURAL SERVICES
WITHIN THE GAIN AND LOSS AREAS OF
CHANNEL 228B1 GEORGETOWN OPERATION
AND THE PROPOSED CHANNEL 228B, MILLSBORO OPERATION
MARCH 1996

COHEN, DIPPELL and EVERIST, P.C. Consulting Engineers Washington, DC

